

**FLOOD CONTROL ADVISORY BOARD
MINUTES
December 3, 2003**

Chairman Melvin Martin called the monthly meeting of the Flood Control Advisory Board (FCAB) to order at 2:00 p.m. on Wednesday, December 3, 2003.

Board Members Present: Melvin Martin, Chairman; Scott Ward, Secretary, Paul Cherrington, Ex Officio; Hasan Mustaq (for Thomas Callow, Ex Officio), Hemant Patel, and Kent Cooper.

Staff Members Present: Mike Ellegood, Chief Engineer and General Manager; Tim Phillips, Deputy Chief Engineer and General Manager; Julie Lemmon, General Counsel; Dick Perreault, CIP/Policy Manager; Russ Miracle, Division Manager, Planning and Project Management; Doug Williams, Planning Branch Manager; Greg Jones, Regional Area Manager; Kelli Sertich, Regional Area Planning Manager; Robert Knighten, Planner; Michael Alexander, Acting Chief Financial Officer; Linda Reinbold, Administrative Coordinator; and Alicia Robertson, Clerk of the FCAB.

Guests Present: Roger Baele, David Evans and Associates; Brian Fry, Dibble & Associates; Jeannette Fish, Maricopa County Farm Bureau; Ed Fritz, MCDOT; Jon Fuller, JE Fuller; Horatio Skeete, City Manager of Litchfield Park; Jon Girand, Huilt-Zollars; Patrick Wolf, CH2M-Hill; Doug Zoth, Coe Van Loo; and Robert Eichinger, Kimley-Horn.

1) APPROVAL OF THE MINUTES OF THE MEETING OF OCTOBER 22, 2003

ACTION: It was moved by Mr. Cooper and seconded by Mr. Ward to approve the minutes as submitted. The motion carried unanimously.

2) FISCAL YEAR 2004/2005 CAPITAL IMPROVEMENT PROGRAM (CIP) PRIORITIZATION PROCEDURE RECOMMENDATIONS

Dick Perreault, CIP Manager, presented the Fiscal Year 2004/2005 Capital Improvement Program (CIP) Prioritization Procedure Recommendations. Dick presented the same information that was presented at the October meeting. Thirty requests were submitted this year and of those, six were recommended, eight were referred to other branches of the District and four were not recommended. Previous scores were still applicable to twelve projects that had been resubmitted. Dick explained the current process for identifying and prioritizing potential five-year CIP Projects and Draft Table 3, dated December 3, 2003.

Discussion:

Patel: Have you had feedback from client cities on the new projects in the CIP?

Perreault: We have not heard from any of the cities that had projects that were not recommended. However, we predict that new project funding for some of our partners in the next couple of years will be tight.

Patel: We should probably track this very close or we will get into a huge problem with back logged projects.

Perreault: That is right.

Ward: Anytime we can get out ahead of development, we want to buy right-of-way, especially as an asset.

ACTION: It was moved by Mr. Patel and seconded by Mr. Cherrington. Chairman Martin abstained from voting. The motion carried unanimously.

3. ORGANIZATIONAL STUDY OF FLOOD CONTROL DISTRICT OF MARICOPA COUNTY (FCD) AND THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT)

Joy Rich, AICP, Chief, Regional Development Services Agency, presented the Organizational Study of Flood Control District of Maricopa County (FCD) and the Maricopa County Department of Transportation (MCDOT). Ms Rich summarized a memo from David Smith asking OMB to take a look at whether or not there were any efficiencies that could be achieved by combining aspects of the operations of MCDOT with FCD. Currently, a variety of staff and the Directors of FCD and MCDOT are being interviewed. Upon a suggestion from Mr. Patel, Ms Rich agreed to provide an update of her team's activities at the next few FCAB meetings. This item is for information and discussion only. No action is required.

4. 23rd AVENUE AND ROESER ROAD DETENTION BASIN AND STORM DRAIN, IGA FCD 2003A004

Kelli Sertich, AICP, Regional Area Planning Manager, presented the 23rd Avenue and Roeser Road Detention Basin and Storm Drain, IGA FCD 2003A004. Six weeks ago brought the project Resolution before the Board and are presenting the project IGA today. Staff is requesting that the FCAB endorse and recommend that the Board of Directors approve IGA FCD 2003A004 for the design, rights of way acquisition, utility relocation, construction, construction management and operation and maintenance of the 23rd Ave. and Roeser Road Detention Basin and Storm Drain project.

Discussion:

Ward: Can we go back to the site map? Is Phoenix going to take the lead on rights-of-way acquisition?

Sertich: Yes they are.

Ward: Does Phoenix create the documents and FCD fund it 50/50? Or does Phoenix acquire the rights-of-way and the District reimburses them?

- Ellegood:* It depends on the terms of the IGA. We can give them money up front which we typically don't do, or we can give them money at the end of the acquisitions, or we can give progress payments.
- Ward:* You selected a great location for the retention basin. How will it be amenitized?
- Sertich:* At this time no design has been discussed, but it may be tied into the Phoenix Lindo Park
- Ward:* Have you started to do a volume analysis?
- Sertich:* Yes, that was done as part of the South Phoenix /Laveen drainage study and we know the required capacity.
- Ward:* Could we make some parts deeper so that it will complement the parks? Is Phoenix going to maintain this?
- Sertich:* Yes, at the request of the COP we did not show a square basin but a wavy basin for the presentation. We intend on integrating the basin into the park.
- Ellegood:* This project will be designed like the project along the Laveen Area Conveyance Channel. The design of the park facility and a design of basin are to be done concurrently. If the need in that area is soccer fields then they can be integrated. That is the intent going into it.
- Lemmon:* The rights of way acquisition responsibilities are identified in paragraphs 5.4 & 5.11.3 and the District will review the title and appraisals prior to Phoenix making the offer. But once they make the offer, the acquisition or litigation, if necessary, would be done by Phoenix and then over in paragraph 5.11.3 once the acquisition would be complete the District would pay its half share. Phoenix would take acquisition and take title in their name.
- Ward:* If there is an overrun in the acquisition budget, its all Phoenix 's responsibility?
- Lemmon:* Since the contribution is cash, I guess that is what you would say. The District's total project contribution cannot exceed \$2,100,000, unless you came back and redid this agreement in the future.
- Ward:* Does Phoenix in this situation have eminent domain and condemnation authority?
- Ellegood:* That's correct.
- Cherrington:* If it rained there today, where does the water go?
- Ellegood:* The water comes off South Mountain flows southeast to the northwest and is picked up by the basin site. The discharge would go into a future storm drain west down Roeser Rd. and north on 27th Ave. to the storm drain at Broadway. Today its basically sheet flow across the whole area.

Cherrington: Can you show me the other slide showing the overall plan? How many of those basins are done?

Phillips: The basin shown on the graphic at 35th Ave. has been constructed and is incorporated into the golf course. The one to the far left at 43rd and Southern is part of the Laveen Project and is under construction. The other two along 43rd Ave. and 27th Ave. and Baseline Road, we own the property, but the basins have not been built yet. The one at 27th Ave. and Baseline is currently the subject of discussions with the City. The developer that surrounds it wants to see if there is an opportunity to get the basin built in concert with their development project.

Ward: Look at the basin on Baseline and 27th Ave, the southeast corner. Let's look at moving that basin. That's an outstanding commercial corner.

Phillips: We own the property. The developer is on three sides of that property. We recognized there is potential for the basins to include the soccer fields associated with the school. We acknowledge that there is a possible opportunity to put some fields there and get the basins built as part of the overall project partnered with the District, City, and developer.

Ward: Our goal is to try to amenitize the basin and if we can move the basin in conjunction with the elementary school and then we would market the land as it exists.

Phillips: We would not market the land. The land would be entirely used as a basin. At this point, the proposal or current design doesn't allow for any excess land. So there would be nothing to market.

Ellegood: I understand what the suggestion is, given that the corner is a high value commercial corner. We can move the basin, to a different site and then market that high value corner.

Phillips: As much as I can appreciate the value of the property, the property was already purposed for flood control purposes so whether the property is on the corner or sitting somewhere within the development from our standpoint as long as it functions as flood control, we get our purpose out of the property. Even if you moved it back off the site you going to have some comparable, even if it's not a commercial opportunity there.

Ward: What I would like you to do Tim, is just look at it. The reason being that the land is on the corner and as it sits is worth probably in today's market plus or minus \$5.00 a square foot. The land off the corner is worth about \$50 or \$60 thousand per acre. I am trying to be entrepreneurial. We could get commercial zoning on that property we could make a couple of million dollars.

Ellegood: We will look into that and have a report at a future meeting.

ACTION: It was moved by Mr. Cherrington and seconded by Mr. Cooper. Mr. Martin abstained from voting.

5 83RD AVENUE AND PINNACLE PEAK ROAD DRAINAGE IMPROVEMENTS
PROJECT, IGA FCD 2003A008

Doug Williams, AICP, Planning Branch Manager, presented the 83rd Avenue and Pinnacle Peak Road Drainage Improvements Project, IGA FCD 2003A008. Approximately two months ago the Board approved the resolution. The action requested today is for endorsement of a project IGA to cost share design, rights of way, and utility relocation for the project. The proposed agreement is between the District and the City of Peoria. Presentation includes the project locations, features, costs and commitments of the IGA.

Discussion:

Ward: Please go back to the aerial? The basin is shown on northwest corner of Pinnacle Peak and 83rd Ave. I would think since we are in the design stage that we might look at land either west on Pinnacle Peak or north on 83rd Ave. That's a great corner and 83rd continues to get more traffic. Is that something you think we could do?

Williams: At this point I would say no. We looked at it during the development of the study and the area at that time. There were several splits in the vacant property in this area. A was also a strong outcry from the neighborhood association in that area. This is where they wanted the basin and the City of Peoria is going to improve the basin with recreational features. I agree that it is a valuable corner. In this case, we looked at alternate sites and it was unlikely to find the size of the basin required, 7 acres. If we had to go with a small basin, we have to greatly increase the size of the channels in the area

Ward: So that piece is 7 acre? How deep is that going to be?

Williams: Approximately 4 feet and vary a little bit.

Ward: Do you utilize dry wells is those locations? Is that the concept?

Williams: If necessary, but dry wells are associated with a lot of maintenance and cost. That's a Peoria decision because they will do the operations and maintenance of the basin.

Williams: Our philosophy is to get the basins to drain to the outlets. We are very sensitive to mosquito issues.

Patel: As for benefits, are we removing any properties from the flood plain?

Williams: We are protecting properties from sheet flow. There are currently no defined channels or floodplain delineations in the area.

Ward: The area is taking a lot of stress. Whenever you take property and split it, they show no support to drainage. If they just go ahead and take a piece of property and split it and there is no retention basins and no flooding master plan. That is what happens in most of the areas of Paradise Valley and Scottsdale, the water goes where it wants to and finds its own way and unfortunately that's what happens to the type of planning here and that is why I am not an advocate of lot

splits. There's no planning or hydrology to it. That's what is happening in this area.

Martin: Why have the detention area and why not run it over to Pinnacle Peak Road over to the wash to the east?

Perreault: The volume of water is too great to construct channels to handle it. We have to put in retention area in order to take the peaks off. We have to store it and then release it into smaller channels.

Martin: That doesn't fly. I am not trying to be contradicting, but you are saying wherever this street is up above that you're carrying that water down to Pinnacle Peak from the other retention area. It is a shorter distance to go straight east to the wash. Why not take that water straight to the wash?

Williams: There is a lot of water coming in from this area draining into this channel. We need to be careful, we don't want to purchase any homes for construction. Within the street's rights of way available, we want to make the channel as small as possible.

Ellegood: I think the question is why not take that storm drain that you have shown on 83rd Ave. and instead run it due east to the river?

Williams: There are topographic issues. There is a rise in this east area.

Ellegood: What about Rock Springs Creek?

Williams: Rock Springs Creek is heavily developed. The area hydraulically is a mess. To take more water to this area you wouldn't be benefiting very much and most of the water is generated from north of this area. You would still have to come back and do something in this area.

Martin: I don't mean to be critical Doug, but I think the Board deserves a better map than what you have. We would be better informed to make a decision if we knew what exactly was there today, rather than look at something that is two years old.

Cooper: When we get a packet in the mail we have the text of an IGA to review before we get here. It's boring, but we don't have an idea of the facilities that are being discussed. There are no exhibits attached, nothing for us to really study. We sit here and go through lengthy explanations and we have to formulate our questions as we hear the presentation so we are shooting from the hip all the time. It would be helpful to me if we had more substance than just the text. I find it difficult to assimilate all the information and make a decision.

Ellegood: We can certainly provide better graphics for you in the future. We try to get packets out a couple of weeks ahead of time and would like for them not to have this entire presentation put together over two weeks before the meeting.

Cooper: I would rather have the packet the day before the meeting with exhibits so that I can understand it rather than getting the text to a bunch of IGAs two weeks early.

- Ellegood:* Let's see if we can't clean this up, can we table this agenda item and get back to you with current mapping and current aerial photographs and better explanation of the alternative that we looked at And make another presentation at our board meeting next month? .
- Ward:* Could we get a map showing the County and unincorporated areas? Someone from Peoria should come and visit with us.
- Cooper:* The Legislature is the only ones who can change making lot splits illegal. It requires a statutory change.
- Ellegood:* We're often criticized and under great political pressure in situations like that. With regard to someone from Peoria, we should extend them an invitation and I'm sure someone would be willing to come.
- Cherrington:* Things do change the night before you go into the presentation. Its not good customer service to hold up something cause we don't have a good picture.
- Patel:* I'm having trouble with the price tag versus the benefit. How can you justify this project?
- Martin:* You haven't done a study in this area?
- Williams:* The Glendale Peoria ADMP Update included this area we did an area drainage master plan.
- Perreault:* This is only one piece of the overall system. We focused on this because there are two areas that the City of Peoria had indicated a priority; the Rose Garden Lane Corridor was presented to you last meeting and the area around 83rd Ave. and Pinnacle Peak Road. We are focusing right now on the two basins and the interconnecting channels and storm drains down to the existing storm drain that goes out to the river. The drainage problems we are experiencing in this area are not only focused right here. There is a huge problem south of here and we can invite MCDOT over here to tell you about all the problems they are having within the unincorporated area along 87th Ave. and in the Deer Valley Road area. The solution to the problems to the south involves intercepting the drainage from the north and conveying it to the river.
- Ward:* It's in an alluvial plain that comes off the watershed?
- Perreault:* Water has a memory. It doesn't know what the land has done today. Development has disrupted the drainage patterns. The study addressed the drainage problems throughout the area, not just the specific locations that we are talking about today.
- Ward:* Have you thought about putting a diversion channel in at the base of the mountains?
- Perreault:* A lot of that drainage is going to be collected at the basin and channel and then taken on down 83rd Ave. to the Pinnacle Peak Basin.

Ward: Wouldn't it be more cost effective to put in some sort of channel?

Perreault: What is being presented today is the recommendation from the two staffs and the consultants that was put together and already adopted by the City of Peoria and by our Board of Directors. This project was determined to be more feasible.

ACTION: It moved by Mr. Cooper and seconded by Mr. Patel to postpone this item until the January meeting. The motion carried unanimously.

6. CONTRIBUTION, DRAINAGE RIGHTS AND EASEMENT TO THE I-10 BASINS, IGA, FCD 2003A011.

Greg Jones, P.E., Regional Area Manager presented the Contribution, Drainage Rights and Easement to the I-10 Basins, IGA FCD 2003A011. The District staff will be requesting that the FCAB recommend this IGA to the Board of Directors for approval. A very similar IGA with SunCor was presented to the FCAB approximately 2 months ago. Under that IGA, SunCor agreed to cost share approximately 65% of the District's acquisition cost. This IGA is with the Cities of Litchfield Park, Goodyear and Avondale. Together, they will reimburse the District for half of the remaining 35 % of the basins' cost and will receive defined rights to discharge storm drainage from their jurisdictions into the basins.

ACTION: It was moved by Mr. Cooper and seconded by Mr. Muster. The motion carried unanimously.

7. ENDORSE FISCAL YEAR 2004/2005 DAM SAFETY PROGRAM, RESOLUTION FCD 2003R011.

Tom Renckly, P.E., Structural Management Branch Manager presented the Endorse Fiscal Year 2004-2005 Dam Safety Program, Resolution FCD 2003R011. It is requested that the FCAB endorse and recommend that the Board of Directors adopt Resolution FCD 2003R011. It would authorized the FCD to negotiate and award consultant contracts for Dam Safety Program Work inclusive of the current dam safety program activities, structures assessment and dam rehabilitation planning and predesign, and to negotiate with land owners and agencies for rights of entry for the Dam Safety Program activities.

ACTION: It was moved by Mr. Cherrington and seconded by Mr. Ward to approve staff recommendations. The motion carried unanimously.

8. 1st QUARTER FISCAL YEAR 03/04 Results. This item is for information and discussion only. No action is required.

1st Quarter Fiscal Year 03/04 Results presented by Michael Alexander, Acting Chief Financial Officer. The District is tracking very close to the anticipated budgeted results and any variances are minor.

9. COMMENTS FROM THE CHIEF ENGINEER AND GENERAL MANAGER.

I am quite pleased with the way the Dam Safety Program is developing under Tom Renckly's leadership. As I indicated in response to Mr. Patel's question, at this juncture I don't think we

need to ask for additional funding or an additional revenue stream from the Maricopa County taxpayer.

We have two members of the District that have achieved their Certified Floodplain Manager rating. This is a fairly extensive qualification program that's been put together by the Association of State Floodplain Managers. It requires some rather intensive study, and a very long arduous examination. Both John Holmes and Jonathan Hughes received their certification at the last period of testing. We are awaiting others to get their results.

We were able today to make an adjustment in our CIP budget. We have had ten projects that during the fiscal year have been bid or completed under budget resulting in a delta of five and half million dollars. We used that five and half million dollars primarily for land acquisition, Mr. Ward. We bought the Spook Hill Basins. I was quite concerned about that property. That area is growing very rapidly and extending very rapidly and had we not bought them, we would have had to move new construction in the future. We were also able to acquire the property for the Elliot Basins which will be a tremendous recreation facility in southeast Mesa.

It is my sad duty to bid Alicia Robertson adio. This is her last Flood Control Advisory Board Meeting. She is joining you in the private sector. I will miss her.

Ward: I would like to get your opinion for the Board, everyone knows that Joy Rich has come in with the analysis. What has happened in the last 30 day, how are things going? Has it affected any of your team? Please, just an overview.

Ellegood: We have welcomed Joy and her party into the organization. They have come in very professional. They have been conducting interviews, primarily with MCDOT Staff very discreetly. The impact on our operations has been very minimal. I think a benefit, regardless of the outcome of the study, is that she and her staff will have a better understanding of the day to day work of Flood Control. One of her staff said it is a really quiet environment to work in relative to where they come from. Its clear, until the outcome becomes known, everybody is nervous. We don't know what to expect. Certainly Ms. Rich at this point has not reached any conclusions, at least that she has shared. You are probably aware of the personal concerns that I have with regard to our ability to maintain the relationships with our client cities that we have been maintaining over the years. It remains to be seen what the outcome is and certainly I would expect that if the savings that prompted this study to begin with are not realized, objective study, cooler heads will prevail and we'll go back to business as usual. On the other hand on a business note, if we can save the taxpayer dollars, certainly, I am all for it.

The meeting was adjourned at 4:05 p.m. by general consent.